

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

THOMAS E. PEREZ, Secretary of  
the United States Department of Labor

PLAINTIFF

v.

CIVIL ACTION NO. 3:13cv1001-DPJ-FKB

HERBERT C. BRUISTER, et al.

DEFENDANTS

consolidated with

JOEL D. RADER and VINCENT SEALY

PLAINTIFFS

v.

CIVIL ACTION NO. 3:13cv1081-DPJ-FKB

HERBERT C. BRUISTER, et al.

DEFENDANTS

ORDER

This consolidated action is before the Court for ruling on various objections to deposition testimony. The matter is set for a bench trial beginning August 4, 2014. At the parties' request, the Court agreed to review 25 deposition transcripts before trial. This Order provides the Court's rulings on the parties' objections to the designated text.

I. Standards

The Federal Rules of Evidence obviously apply to bench trials. But in such trials, “[s]trict evidentiary rules of admissibility are generally relaxed . . . as appellate courts assume that trial judges rely upon properly admitted and relevant evidence.” *Null v. Wainwright*, 508 F.2d 340, 344 (5th Cir. 1975). For that reason, “the district judge is entitled to greater latitude in evidentiary rulings,” which will be reversed “only where they affect a substantial right of the complaining party.” *Moorhead v. Mitsubishi Aircraft Int’l, Inc.*, 828 F.2d 278, 287 (5th Cir.

1987) (citations omitted); *see also* *Stephenson v. Salisbury*, 967 F.2d 1069, 1074 (5th Cir. 1992) (applying abuse of discretion analysis to court’s evidentiary rulings, and noting the “great latitude allowed in the conduct of a bench trial”).

## II. Analysis

Due to the number of objections, this Order does not provide analysis for all of the rulings. That said, there are several broad principles that have been generally followed.

### A. General Observations

#### 1. Rule 602 and Lack of Foundation/Speculation

The parties frequently object based on “lack of foundation” or “speculation.” But it is difficult to tell whether the objections are substantive or based on the form of the question. The distinction is important because some—but not all—of the depositions include the “usual stipulations” preserving objections except as to form. Other depositions do not mention the stipulations, but it seems clear that the parties operated under that assumption.<sup>1</sup> So objections to form are waived if not raised during the deposition whereas substantive objections are not.

The purpose of the so-called “usual stipulations” is to force an objection to the form of a question where the issue can be corrected during the deposition. And it appears that a number of the “lack-of-foundation” and “speculation” objections in this case are coupled with Rule 602 objections that could have been easily remedied with a timely objection. These objections were waived if not preserved.

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<sup>1</sup>Under Rule 30(c)(2) of the Federal Rules of Civil Procedure, objections must be noted on the record.

Other objections to “lack of foundation” and “speculation” do not seem to turn on a lack of personal knowledge—if they do, then they are frivolous—but instead suggest that the witness did not explain the basis for the answer. Those objections often go to weight, and the parties were free to address the issues on cross-examination.

For these reasons, many of the “lack-of-foundation” and “speculation” objections have been overruled. That said, there were times when the witness revealed a lack of personal knowledge or a lack of a factual basis for the testimony. Those objections were generally sustained unless the testimony was considered for some other purpose.

Also with respect to Rule 602, the parties at times objected because the witness equivocated, though he or she appeared to otherwise possess personal knowledge about the topic. One treatise on evidence states that the “trial judge must admit testimony even though the witness is not positive about what he or she perceived, provided the witness had an opportunity to observe and obtain some impression . . . .” Joseph W. Cotchett, *Federal Courtroom Evidence* § 602, 12–15 (5th ed. 2013); *see also United States v. Sinclair*, 109 F.3d 1527, 1536 (10th Cir. 1997) (holding that Rule 602 “does not require that the witness’ knowledge be positive or rise to the level of absolute certainty. Evidence is inadmissible only if in the proper exercise of the trial court’s discretion it finds that the witness could not have actually perceived or observed that which he testifies to” (citation and punctuation omitted)). Such objections were generally overruled.

## 2. Rule 403

All Rule 403 objections based on unfair prejudice have been overruled. As stated by the Fifth Circuit in *Gulf States Utilities Co. v. Ecodyne Corp.*, “[t]his portion of Rule 403 has no

logical application to bench trials.” 635 F.2d 517, 519 (5th Cir. 1981). The Court must necessarily hear the evidence to issue a ruling, and it is capable of separating the unduly prejudicial nature of otherwise relevant testimony.

3. Rule 402

Both parties raise numerous relevance objections. Some were sustained, but most were not. As a practical matter, the Court agreed as a courtesy to review this material before trial, but at this stage it is difficult to tell what is relevant. The Court is therefore reluctant to exclude evidence on the mere mention of relevance for fear that the context will become clearer on a more complete record. And given the extent of deposition designations and the substantial number of objections, it is not practical to go back and reread all of the depositions after the trial to reevaluate relevance objections.<sup>2</sup> Once the evidence is received, the Court will give it the weight, if any, it deserves. As observed in *Null*, the final judgment will be based on relevant evidence. Finally, despite this general approach, there were instances where the objection was sustained because the context was clear.

4. Rule 802

The parties made a fair number of hearsay objections for which there did not appear to be an out-of-court statement offered for the truth of the matter asserted. Those were overruled. They also objected to questions referencing the witness’s prior testimony on hearsay grounds, but those were overruled under Rule 801(d)(1)(A). Finally, there were some out-of-court statements

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<sup>2</sup>As noted, the Court has read 26 deposition transcripts, but the parties also intend to offer another 24 transcripts during the trial.

that were received into evidence because there was an exception or the evidence was not considered for its truth.

#### 5. Authenticity

There are objections throughout the depositions based on authenticity, but those objections are a little unclear. In most instances, the objections arise when a witness is asked about a document, and the objection is usually coupled with another objection like “lack of personal knowledge.” The Court cannot tell whether the party is objecting to the extent it believes the testimony is intended to authenticate the document for admission into evidence at trial or because the witness is supposedly being asked about an unauthenticated document. To further complicate the review, many of the documents that drew these type objections have been used in multiple depositions, often without objection, and the parties have taken inconsistent positions with respect to their authenticity. Given the number of depositions, exhibits, and the differing exhibit numbers given to the same documents, it is not possible to attempt a thorough cross-reference to determine whether the documents have been otherwise authenticated.<sup>3</sup> At this point, the Court has generally overruled the authentication objections.<sup>4</sup>

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<sup>3</sup>After the Court completed the substantive portions of this order, it received a proposed pretrial order. That document appears to establish the admissibility of a large number of documents that drew the “authentication” and “hearsay” objections addressed below. But because there are several hundred such objections spread throughout the transcripts, and given the rapidly approaching trial date, the Court will not go back and attempt to determine which of the objections should be withdrawn. If a party believes that an objection was sustained though the document was later admitted into evidence either by stipulation or otherwise, that party may ask the Court to revisit the issue.

<sup>4</sup>As a practical matter, this ruling may have little impact. The parties often raised this objection when the witness denied detailed knowledge of a document, so the actual testimony—even if admitted into evidence—adds nothing and will receive little, if any, weight.

## 6. Miscellaneous

Some designations reflect statements from attorneys that give context to the exhibits or the line of questioning. Though not admitted or considered as substantive evidence, such exchanges were sometimes allowed to provide clarity. In addition, there were objections to designations that reflected bickering between counsel or between counsel and a witness. Some of these conversations were struck, but others were allowed because again they provided context or reflected on a witness's credibility.

### B. Specific Rulings

The following tables include the rulings, the disputed pages, and the parties' objections.

The first two columns quote the objections as the parties raised them:

#### 1. Scott Brown (10/4/11)

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
52:2-6	Hearsay; Best evidence rule	Sustained.
90:16-20	Hearsay	Overruled; Federal Rule of Evidence 803(3).
146:7-16	Lacks foundation; Speculation; Not based on personal knowledge	Overruled to extent the response is based on the witness's perception.
180:4-16	Hearsay	Overruled.
196:18-19	Attorney statement without testimony	Overruled.
197:11-14	Hearsay; Best evidence rule	Sustained.
202:17-204:2	Lacks foundation, Speculation, Assumes facts not in evidence; not based on personal knowledge	Overruled; goes to the weight of the testimony.
207:14-208:1	Irrelevant; ambiguous	Overruled.
213:14-18	Leading	Overruled.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
215:1-11	Legal conclusion	Overruled, though not considered as a legal conclusion.
221:6-18	Lack of foundation	Overruled.
224:12-14	Attorney statement without testimony	Sustained.
232:7-20	Hearsay; best evidence rule	Sustained.
236:25-237:8	Lacks personal knowledge, No foundation, speculation	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 12, L. 20	Incomplete Designation	Sustained.
P. 13, L. 12	Incomplete Designation	Sustained.
P. 14, L. 16-25	Lack of Foundation	Overruled.
P. 15, L. 1-6	Lack of Foundation	Overruled.
P. 33, L. 13-17	Lack of Foundation, Relevance	Overruled.
P. 34, L. 11-25	Lack of Foundation, Relevance	Overruled.
P. 35, L. 1-11	Lack of Foundation, Relevance	Overruled.
P. 36, L. 2-14	Lack of Foundation, Relevance	Overruled.
P. 37, L. 4-9	Lack of Foundation, Relevance	Overruled.
P. 38, L. 8-17	Lack of Foundation, Relevance	Overruled.
P. 38, L. 22-25	Relevance	Overruled.
P. 39, L. 1-2	Relevance	Overruled.
P. 39, L. 5-19	Lack of Foundation, Relevance	Overruled.
P. 39, L. 23-25	Lack of Personal Knowledge	Overruled.
P. 40, L. 1-15	Lack of Personal Knowledge	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 42, L. 3-6	Lack of Foundation, Lack of Personal Knowledge, Relevance	Overruled.
P. 42, L. 9-14	Lack of Foundation, Lack of Personal Knowledge, Relevance	Overruled.
P. 42, L. 22-25	Lack of Foundation, Lack of Personal Knowledge, Relevance	Overruled.
P. 43, L. 1-25	Lack of Foundation, Lack of Personal Knowledge, Relevance	Overruled.
P. 44, L. 1	Lack of Foundation, Lack of Personal Knowledge, Relevance	Overruled.
P. 44, L. 12-22	Lack of Personal Knowledge, Lack of Authentication	Overruled as it relates to the witness's knowledge.
P. 45, L. 6-9	Legal Conclusion	Overruled.
P. 45, L. 10-21	Inadmissible Expert Opinion, Lack of Personal Knowledge	Overruled.
P. 47, L. 2-7	Relevance	Overruled.
P. 48, L. 1-5	Lack of Personal Knowledge	Overruled.
P. 48, L. 6-21	Relevance, Legal Conclusion	Overruled.
P. 52, L. 16-20	Relevance	Overruled.
P. 54, L. 7-25	Lack of Authentication, Lack of Personal, Knowledge, Hearsay, Relevance	Overruled as it relates to the witness's knowledge
P. 55, L. 4-6	Lack of Personal Knowledge, Lack of Foundation	Overruled.
P. 56, L. 15-22	Hearsay	Sustained if the document is not otherwise in evidence.
P. 56, L. 14-25	Lack of Foundation, Relevance	Overruled.



<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 57, L. 17-25	Lack of Foundation, Relevance, Hearsay	Sustained if the document is not otherwise in evidence; overruled as to 58:12-59:8 under Federal Rule of Evidence 803(3).
P. 58, L. 1-25	Lack of Foundation, Relevance, Hearsay	Sustained if the document is not otherwise in evidence; overruled as to 58:12-59:8 under Federal Rule of Evidence 803(3).
P. 59, L. 1-8	Lack of Foundation, Relevance, Hearsay	Sustained if the document is not otherwise in evidence; overruled as to 58:12-59:8 under Federal Rule of Evidence 803(3).
P. 59, L. 13-25	Lack of Foundation, Relevance, Hearsay	Overruled.
P. 60, L. 1-6	Lack of Foundation, Relevance, Hearsay	Overruled.
P. 60, L. 17-25	Relevance	Overruled.
P. 61, L. 1	Relevance	Overruled.
P. 61, L. 17-25	Relevance, Lack of Personal Knowledge	Overruled.
P. 62, L. 1-25	Relevance, Lack of Personal Knowledge, Hearsay	Overruled.
P. 63, L. 1-3	Relevance, Lack of Personal Knowledge, Hearsay	Overruled.
P. 64, L. 20-25	Relevance, Lack of Personal Knowledge, Hearsay	Sustained if the document is not otherwise in evidence.
P. 65, L. 1-5	Relevance, Lack of Personal Knowledge, Hearsay	Sustained if the document is not otherwise in evidence.
P. 66, L. 3-6	Lack of Personal Knowledge, Relevance	Overruled.
P. 70, L. 18-25	Lack of Personal Knowledge, Relevance	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 71, L. 1	Lack of Personal Knowledge, Relevance	Overruled.
P. 71, L. 15-23	Lack of Personal Knowledge	Overruled.
P. 78, L. 2-25	Relevance	Overruled.
P. 79, L. 1-10	Relevance	Overruled.
P. 79, L. 24-25	Relevance	Overruled.
P. 80, L. 1-25	Relevance	Overruled.
P. 81, L. 1-4	Relevance	Overruled.
P. 81, L. 25	Relevance, Lack of Personal Knowledge	Overruled.
P. 82, L. 1-3	Relevance, Lack of Personal Knowledge	Overruled.
P. 86, L. 3-25	Relevance, Lack of Personal Knowledge, Lack of Authentication, Lack of Foundation	Overruled. The passage sets the predicate for the question on 87.
P. 87, L. 1-9	Relevance, Lack of Personal Knowledge, Lack of Authentication, Lack of Foundation	Overruled.
P. 91, L. 15-23	Hearsay, Relevance	Overruled.
P. 94, L. 8-9	Hearsay, Relevance	Overruled.
P. 94, L. 13-25	Hearsay, Relevance	Overruled.
P. 95, L. 1-22	Relevance	Overruled.
P. 96, L. 9-25	Relevance, Lack of Authentication	Overruled.
P. 97, L. 1-4, 6	Relevance, Lack of Authentication	Overruled.
P. 97, L. 10-25	Relevance, Lack of Authentication	Overruled.
P. 98, L. 1-6	Relevance, Lack of Authentication	Overruled.
P. 99, L. 6-25	Relevance, Lack of Authentication	Overruled.
P. 100, L. 1-20	Relevance, Lack of Authentication	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 101, L. 5-13	Relevance	Overruled.
P. 103, L. 7-25	Relevance, Lack of Foundation,	Overruled.
P. 104, L. 1-25	Relevance, Lack of Foundation, Lack of Authentication	Overruled.
P. 105, L. 1-18	Relevance, Lack of Foundation, Lack of Authentication	Overruled.
P. 106, L. 23-25	Relevance, Lack of Foundation, Hearsay	Overruled.
P. 107, L. 1-3	Relevance, Lack of Foundation, Hearsay	Overruled.
P. 107, L. 13-25	Relevance, Lack of Foundation, Lack of Authentication, Hearsay	Overruled.
P. 108, L. 1-11	Relevance, Lack of Foundation, Lack of Personal Knowledge	Overruled.
P. 108, L. 21-25	Relevance, Lack of Foundation, Lack of Authentication	Overruled.
P. 110, L. 11-25	Relevance, Lack of Foundation, Lack of Authentication	Overruled.
P. 111, L. 1-5	Relevance, Lack of Foundation, Lack of Authentication	Overruled.
P. 116, L. 11-25	Relevance, Lack of Foundation, Lack of Authentication, Lack of Personal Knowledge	Overruled.
P. 117, L. 1-17	Relevance, Lack of Foundation, Lack of Authentication, Lack of Personal Knowledge	Overruled.
P. 117, L. 24-25	Relevance, Lack of Foundation, Lack of Authentication, Lack of Personal Knowledge	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 118, L. 1-5	Relevance, Lack of Foundation, Lack of Authentication, Lack of Personal Knowledge	Overruled.
P. 120, L. 16-25	Relevance, Lack of Foundation, Lack of Authentication, Lack of Personal Knowledge	Overruled.
P. 121, L. 1-25	Relevance, Lack of Foundation, Lack of Authentication, Lack of Personal Knowledge	Overruled.
P. 122, L. 1-12	Relevance, Lack of Foundation, Lack of Authentication, Lack of Personal Knowledge	Overruled.
P. 123, L. 16-25	Relevance, Lack of Foundation, Lack of Authentication, Lack of Personal Knowledge	Overruled.
P. 124, L. 1-7	Relevance, Lack of Foundation, Lack of Authentication, Lack of Personal Knowledge	Overruled.
P. 125, L. 22-25	Relevance, Lack of Foundation, Lack of Personal Knowledge	Overruled.
P. 126, L. 1-10	Relevance, Lack of Foundation, Lack of Personal Knowledge	Overruled.
P. 126, L. 14-25	Relevance, Lack of Foundation, Lack of Authentication, Lack of Personal Knowledge	Overruled.
P. 127, L. 1-25	Relevance, Lack of Foundation, Lack of Authentication, Lack of Personal Knowledge	Overruled.
P. 128, L. 1-8	Relevance, Lack of Foundation, Lack of Authentication, Lack of Personal Knowledge	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 128, L. 11-16	Relevance, Lack of Foundation, Lack of Authentication, Lack of Personal Knowledge	Overruled.
P. 128, L. 23-25	Relevance, Lack of Foundation, Lack of Authentication, Lack of Personal Knowledge	Overruled.
P. 129, L. 1-5	Lack of Authentication, Lack of Foundation, Relevance, Lack of Personal Knowledge	Overruled.
P. 129, L. 9-13	Lack of Authentication, Lack of Foundation, Relevance, Lack of Personal Knowledge	Overruled.
P. 138, L. 13-16	Relevance	Overruled.
P. 139, L. 2-5	Relevance	Overruled.
P. 140, L. 6-25	Legal Conclusion	Overruled, although not considered as a legal conclusion.
P. 141, L. 1-6	Legal Conclusion	Overruled, although not considered as a legal conclusion.
P. 148, L. 17-21	Relevance	Overruled because it clarifies testimony on 146 to which Plaintiffs object.
P. 148, L. 22-25	Legal Conclusion	Overruled, although not considered as a legal conclusion.
P. 149, L. 1-25	Legal Conclusion, Relevance, Lack of Personal Knowledge	Overruled.
P. 150, L. 1-5	Legal Conclusion, Relevance, Lack of Personal Knowledge	Overruled.
P. 151, L. 16-20	Incomplete Designation	Sustained.
P. 152, L. 1-5	Inadmissible Expert Opinion, Lack of Personal Knowledge, Relevance	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 163, L. 5-9	Relevance	Overruled.
P. 166, L. 2-25	Relevance	Overruled.
P. 167, L. 1-6	Relevance	Overruled.
P. 199, L. 14-25	Relevance	Overruled.
P. 200, L. 7 <sup>5</sup>	Relevance	Overruled.
P. 233, L. 14-16	Lack of Foundation, Relevance	Overruled.
P. 240, L. 22-25	Relevance, Legal Conclusion	Overruled.
P. 241, L. 1-23	Relevance, Legal Conclusion	Overruled.
P. 246, L. 2-25	Relevance	Not designated.
P. 247, L. 2-22	Relevance	Not designated.

2. Thomas Beaudreau (11/18/11)

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
12:4-15:4:1-11 <sup>6</sup>	Irrelevant	Overruled.
42:2-4	Attorney statement without testimony	Overruled. This is a compound question, but there was no contemporaneous objection.
43:5-44:6	Irrelevant	Overruled.

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<sup>5</sup>It appears that the testimony as to which there was an objection was at 200:1.

<sup>6</sup>It appears that the testimony as to which there was an objection was at 12:4-15:14:1-11.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
51:12-23	Hearsay; speculation; Lack Personal Knowledge; Lack of foundation	Overruled.
53:23-54:1	Hearsay; speculation; Lack Personal Knowledge; Lack of foundation	Overruled.
91:1-16	Irrelevant; Lack Personal Knowledge; speculation	Overruled.
101:24-102:10	Lack Personal Knowledge; Lack of foundation; speculation	Overruled with respect to DirecTV's intent, but otherwise sustained under Rule 602.
103:5-15	Irrelevant; Lack of foundation	Sustained with respect to Bruister and Associates; overruled regarding the witness's own experience.
133:25-134:17	Irrelevant	Overruled.
192:4-193:1	Irrelevant	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 32, L. 18-25	Inadmissible Expert Opinion	Sustained.
P. 33, L. 1-6	Inadmissible Expert Opinion	Sustained.
P. 60, L. 11-25	Lack of Foundation, Hearsay	Overruled under Federal Rule of Evidence 803(3).
P. 61, L. 1-8	Inadmissible Expert Opinion	Overruled under Federal Rule of Evidence 803(3).
P. 61, L. 15-25	Lack of Foundation, Inadmissible Expert Opinion	Overruled.
P. 62, L. 1-8	Lack of Foundation, Inadmissible Expert Opinion	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 65, L. 19-25	Lack of Foundation, Inadmissible Expert Opinion	Overruled as to 65:19-22; sustained as to 65:23-66:22.
P. 66, L. 1-22	Lack of Foundation, Inadmissible Expert Opinion	Sustained as to 65:23-66:22.
P. 75, L. 10-13	Lack of Foundation, Inadmissible Expert Opinion	Overruled.
P. 77, L. 5-15	Lack of Foundation, Hearsay	Overruled as a statement of a party opponent.
P. 141, L. 19-25	Inadmissible Expert Opinion	Overruled.
P. 142, L. 1-4	Inadmissible Expert Opinion	Overruled.
P. 154, L. 14-25	Lack of Foundation, Inadmissible Expert Opinion, Relevance	Overruled. He was an officer describing his company.
P. 155, L. 1-9	Lack of Foundation, Inadmissible Expert Opinion, Relevance	Overruled. He was an officer describing his company.
P. 156, L. 3-25	Lack of Foundation, Inadmissible Expert Opinion, Relevance	Overruled.
P. 158, L. 18-24	Lack of Personal Knowledge, Relevance	Overruled.
P. 160, L. 15-25	Lack of Personal Knowledge, Relevance	Overruled.
P. 161, L. 1-5	Lack of Personal Knowledge, Relevance, Inadmissible Expert Opinion	Overruled.
P. 161, L. 14-18	Lack of Personal Knowledge, Relevance, Inadmissible Expert Opinion	Overruled.
P. 183, L. 18-23	Lack of Foundation, Relevance, Inadmissible Expert Opinion	Overruled.



<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 184, L. 12-14	Lack of Foundation, Lack of Personal Knowledge, Relevance, Inadmissible Expert Opinion	Overruled.
P. 186, L. 5-25	Lack of Foundation, Lack of Personal Knowledge, Relevance, Inadmissible Expert Opinion	Overruled.
P. 187, L. 1-4	Lack of Foundation, Lack of Personal Knowledge, Relevance, Inadmissible Expert Opinion	Overruled.
P. 187, L. 5-10	Hearsay	Overruled under Federal Rule of Evidence 803(3).
P. 187, L. 11-25	Lack of Foundation, Lack of Personal Knowledge, Relevance, Inadmissible Expert Opinion	Overruled.
P. 188, L. 1-7	Lack of Foundation, Lack of Personal Knowledge, Relevance, Inadmissible Expert Opinion	Overruled.
P. 193, L. 18-24	Hearsay	Overruled.
P. 193, L. 24	Inadmissible Expert Opinion	Overruled.
P. 194, L. 1-3	Inadmissible Expert Opinion	Overruled.
P. 214, L. 12-25	Lack of Personal Knowledge, Inadmissible Expert Opinion	Overruled.
P. 215, L. 1-3	Lack of Personal Knowledge, Inadmissible Expert Opinion	Overruled.
P. 215, L. 10-14	Lack of Personal Knowledge, Inadmissible Expert Opinion	Overruled.
P. 215, L. 17-25	Lack of Personal Knowledge, Inadmissible Expert Opinion, Hearsay	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 219, L. 13-21	Lack of Personal Knowledge, Inadmissible Expert Opinion, Lack of Foundation	Sustained.

3. Todd Bartlett (10/5/11)

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 9, L. 9-25	Lack of Authentication, Lack of Foundation, Relevance	Overruled.
P. 10, L. 1-14	Lack of Authentication, Lack of Foundation, Relevance	Overruled.
P. 11, L. 9-25	Lack of Authentication, Lack of Foundation, Relevance	Overruled.
P. 12, L. 1-14	Lack of Authentication, Lack of Foundation, Relevance	Overruled. The information appears relevant, and the lack of authentication / foundation objections are not clear. <sup>7</sup>
P. 14, L. 23-25	Lack of Authentication, Lack of Foundation, Relevance	Same.
P. 15, L. 1-22	Lack of Authentication, Lack of Foundation, Relevance	Same.
P. 15, L. 23-24	Lack of Authentication, Lack of Foundation	Same.
P. 16, L. 7-12	Lack of Authentication, Lack of Foundation	Same.

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<sup>7</sup>It appears that this information may be part of a joint exhibit in the proposed pretrial order. Defendant may address this and the next several objections at trial if necessary.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 18, L. 7-13	Lack of Authentication, Lack of Foundation	Same.
P. 20, L. 11-15	Lack of Authentication, Lack of Foundation	Same.
P. 20, L. 22-25	Lack of Authentication, Lack of Foundation	Same.
P. 21, L. 1-9	Lack of Authentication, Lack of Foundation	Same.
P. 22, L. 10-13	Lack of Authentication, Lack of Foundation	Same.
P. 22, L. 16-25	Lack of Authentication, Lack of Foundation	Same.
P. 23, L. 1-6	Lack of Authentication, Lack of Foundation	Same.
P. 24, L. 8-11	Lack of Authentication, Lack of Foundation	Same.
P. 25, L. 1-25	Lack of Authentication, Lack of Foundation	Overruled.
P. 26, L. 1-9	Lack of Authentication, Lack of Foundation	Overruled.
P. 29, L. 10-19	Lack of Authentication, Lack of Foundation	Overruled.

4. Steven Crawford (10/5/11)

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
127:16-21	Non-testimony statement of attorney; Hearsay, Lack personal knowledge, Lack Foundation	Overruled. There was no objection to the answer.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
129:10-17	Non-testimony statement of attorney; Hearsay, Lack personal knowledge, Lack Foundation	Overruled.
131:24-132:6	Non-testimony statement of attorney; Hearsay, Lack personal knowledge, Lack Foundation	Overruled.
132:16-23	Non-testimony statement of attorney; Hearsay, Lack personal knowledge, Lack Foundation	Overruled.
135:7-16	Vague/Ambiguous; Lack foundation	Overruled.
135:17-25	Lack Foundation; Speculation	Overruled.
148:22-149:14	Lack Foundation; Lack personal knowledge	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 10, L.9-18	Relevance, Lack of Personal Knowledge	Overruled.
P. 11, L. 19-25	Lack of Foundation, Relevance, Lack of Personal Knowledge	Overruled.
P. 12, L. 1-13	Lack of Foundation, Relevance, Lack of Personal Knowledge	Overruled.
P. 13, L. 19-25	Lack of Foundation, Relevance, Lack of Personal Knowledge, Legal Conclusion	Overruled.
P. 14, L. 1-2	Lack of Foundation, Relevance, Lack of Personal Knowledge, Legal Conclusion	Overruled.
P. 15, L. 2-12	Relevance	Overruled.
P. 16, L. 15-18	Relevance	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 21, L. 1-9	Lack of Foundation, Lack of Personal Knowledge, Relevance, Legal Conclusion	Overruled.
P. 24, L. 12-18	Nonresponsive	Sustained.
P. 27, L. 25	Incomplete Designation	Overruled.
P. 28, L. 1-5	Incomplete Designation	Overruled.
P. 28, L. 6-13	Lack of Personal Knowledge	Overruled.
P. 30, L. 17-23	of Personal Knowledge	Overruled.
P. 31, L. 3-8	Lack of Authentication, Inadmissible Expert Opinion, Lack of Personal Knowledge	Sustained. The cited lines do not contain any witness testimony.
P. 31, L. 20-25	Lack of Authentication, Inadmissible Expert Opinion, Lack of Personal Knowledge	Sustained, and in any event, all the witness does is agree to what the document says. The document speaks for itself.
P. 32, L. 1-3	Lack of Authentication, Inadmissible Expert Opinion, Lack of Personal Knowledge	Same.
P. 32, L. 11-14	Lack of Authentication, Inadmissible Expert Opinion, Lack of Personal Knowledge	Same.
P. 32, L. 18-25	Lack of Authentication, Lack of Personal Knowledge	Same.
P. 33, L. 1	Lack of Authentication, Lack of Personal Knowledge	Same.
P. 33, L. 7-12	Lack of Authentication, Lack of Personal Knowledge	Same.
P. 33, L. 18-23	Lack of Authentication, Lack of Personal Knowledge	Same.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 34, L. 3-8	Lack of Authentication, Inadmissible Expert Opinion	Same.
P. 35, L. 13-17	Relevance, Lack of Authentication	Same.
P. 35, L. 20-25	Lack of Personal Knowledge	Overruled through 35:24.
P. 36, L. 1-13	Lack of Personal Knowledge	Sustained.
P. 41, L. 5-12	Relevance	Overruled.
P. 41, L. 5-25 <sup>8</sup>	Relevance	Overruled.
P. 42, L. 1-12	Relevance	Overruled.
P. 42, L. 18-24	Relevance	Overruled.
P. 50, L. 9-25	Relevance, Hearsay	Overruled.
P. 51, L. 1-17	Relevance, Hearsay	Overruled.
P. 52, L. 8-11	Relevance, Lack of Personal Knowledge	Overruled.
P. 58, L. 24-25	Relevance, Hearsay	Overruled.
P. 59, L. 1-19	Relevance, Hearsay	Overruled.
P. 59, L. 20-25	Legal Conclusion	Overruled.
P. 60, L. 1-7	Legal Conclusion	Overruled.
P. 61, L. 4-8	Relevance	Overruled.
P. 73, L. 22-25	Relevance	Overruled.
P. 74, L. 1-25	Relevance	Overruled.
P. 75, L. 1-3	Relevance	Overruled.
P. 76, L. 16-20	Relevance, Hearsay	Overruled under Federal Rule of Evidence 803(3).

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<sup>8</sup>P.41, L. 15-25

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 77, L. 5-15	Relevance, Hearsay, Inadmissible Expert Opinion	Overruled under Federal Rule of Evidence 803(3).
P. 98, L. 20-24	Relevance, Lack of Personal Knowledge	Overruled.
P. 121, L. 14-22	Relevance, Lack of Personal Knowledge	Overruled.
P. 130, L. 12-19	Incomplete Designation, Relevance	Overruled.
P. 152, L. 21-25	Relevance	Overruled.
P. 153, L. 1-4	Relevance	Overruled.

5. Matthew Donnelly–Perez Transcript - Vol. I (5/10/11)

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 88, L. 4- P. 90, L. 15	Hearsay	Overruled.
P. 98, L. 11- P.106, L. 7	Relevance, Cumulative	Overruled.
P. 116, L. 7-18	Relevance, 403, Cumulative	Sustained as cumulative.
P. 118, L. 9- P. 119, L. 22	Relevance, 403, Cumulative	Sustained as cumulative.
P. 125, L. 4-15	Relevance, 403, Cumulative	Overruled.
P. 130, L. 24- P. 131, L. 23	Relevance, 403, Cumulative	Sustained as cumulative.
P. 133, L. 3- P. 135, L. 22	Relevance, 403, Cumulative	Sustained through 134:8 as cumulative.

## 6. Matthew Donnelly–Perez Transcript - Vol. II (5/11/11)

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
243:6-243:8	Hearsay as to what Abrahams said	Sustained.
261:4-261:24	Hearsay as to contents of draft reports	Overruled as to 261:19–24; otherwise sustained.
262:14- 263:8,	Hearsay as to contents of draft reports	Overruled, but the Court may need to hear from the parties. If the draft reports are not in evidence, then why would they not fall under Federal Rules of Evidence 803(3) and 803(6)? Both parties appear to cite from these documents.
263:18-264:23	Hearsay as to contents of draft reports	Same.
297:20-299:6	Hearsay as to contents of draft reports	Same.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 275, L. 10-20	Lack of foundation, Relevance	Overruled.
P. 285, L. 3- P. 286, L. 13	Lack of foundation, Relevance	Overruled.
P. 293, L., 5-19	Lack of foundation, Relevance	Overruled.
P. 330, L. 7- P. 331, L. 20	Lack of foundation, Relevance	Overruled.
P. 347, L. 22- P. 348, L. 24	Lack of foundation, Relevance	Overruled.



## 7. Matthew Donnelly–Perez Transcript - Vol. III (5/12/11)

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 386, L. 25- P. 387, L. 8	Lack of foundation	Overruled.
P. 471, L. 10- 15	Lack of foundation	Overruled.
P. 483, L. 13- P. 484, L. 6	Lack of foundation, Hearsay, Confusing	Overruled.
P. 488, l. 11- 18	Lack of foundation, Hearsay, Partial, Incomplete designation	Overruled.
P. 490, L. 13- P. 492-, L. 21	Lack of foundation, Improper impeachment attempt	Overruled.
P. 544, L. 10- 23	Lack of foundation (no establishment of time, Place, or context)	Overruled.

## 8. Matthew Donnelly–Perez Transcript - Vol. IV (1/20/12)

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
581:13-581:19	Hearsay (as to statements by Bumstead and Abraham)	Overruled under Federal Rule of Evidence 803(3).
590:10-590:12	Hearsay (as to Bruce's statements)	Overruled under Federal Rule of Evidence 803(3).
590:17-590:21	Impermissible lay opinion (Lacks personal knowledge.)	Sustained.
631:10-631:22	Impermissible lay opinion (Lacks personal knowledge.)	Sustained as to 631:19-22; otherwise, overruled.

## 9. Matthew Donnelly–Perez Transcript - Vol. V (2/27/12)

<b>Defendants’ Designation</b>	<b>Plaintiffs’ Objection</b>	<b>Ruling</b>
804:6-806:5	Hearsay	Overruled as to 804:6-805:25; the statement is not offered for the truth of the matter asserted and/or per Federal Rule of Evidence 803(3); also overruled as to 806:1-5.
807:13-808:6	Hearsay	Overruled under Federal Rule of Evidence 803(3)
832:6-832:15, 833:1-833:20	Hearsay (re Hans’s response)	Overruled, but the Court may need to hear from the parties if the email is not otherwise in evidence. It seems this came in without objection in another deposition.
847:10-848:3	Hearsay	Same.
854:8-856:6	Hearsay	Overruled. This testimony was offered without objection by Plaintiffs in another deposition.
879:25-880:5, 880:7-880:16, 880:23-880:24	Hearsay	Overruled, but the Court may need to hear from parties. Is the objection to the document or the testimony regarding why he did what he did (879–80)? As to the testimony on page 880, it seems like this is in evidence already, used by Plaintiffs.
888:8-888:9, 888:11-888:13	Vague, ambiguous	Sustained as to 888:8-888:9; overruled as to 888:11-888:13.
890:5-890:7	Lacks foundation re geography and competition	Overruled.

## 10. Matthew Donnelly–Rader Transcript - Vol. I (3/1/11)

<b>Defendants’ Designation</b>	<b>Plaintiffs’ Objection</b>	<b>Ruling</b>
109:22 – 110:2	Leading, lacks foundation	Sustained.
129:14 – 130:9	Lacks foundation, non-responsive	Overruled.
135:6 – 135:17	Lacks foundation as to: “very competent computer programmer” and “there’s none better”	Overruled. The Court has considered the testimony to the extent it reflects the witness’s opinion.
172:16 – 173:2	Lacks foundation	Overruled. The Court has considered the testimony to the extent it reflects the witness’s opinion.

<b>Plaintiffs’ Designation</b>	<b>Defendants’ Objection</b>	<b>Ruling</b>
P. 47, L. 9- P. 50, L. 13	Relevance, 403, Cumulative	Overruled.
P. 54, L. 6-P. 60 L. 14	Relevance, 403, Cumulative	Overruled.
P. 62, L. 11- P. 63, L. 23	Relevance, 403, Cumulative	Overruled.
P. 72, L. 14- P. 73, L. 7	Relevance	Sustained as to 72:14-21; otherwise overruled.
P. 139, L. 5-22	Relevance	Overruled.

## 11. Matthew Donnelly–Rader Transcript - Vol. II (3/2/11)

<b>Defendants’ Designation</b>	<b>Plaintiffs’ Objection</b>	<b>Ruling</b>
216:22-216:25	Lacks foundation as knowledge about other appraisers	Overruled.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
227:14-228:22	Lacks foundation, hearsay	Overruled. Whether or not it is true, it is his basis.
238:20-239:10	Lacks foundation	Same.
239:11-239:20	Lacks foundation	Same.
239:21-240:4	Lacks foundation	Same.
241:23-243:12	Lacks foundation, non-responsive	Overruled.
290:21-201:10	Lacks foundation	Overruled.
309:17-309:19	Lacks foundation	Overruled.
317:16-317:7	Hearsay (as to what Bruister said)	Overruled; the statement is not considered for truth of the matter asserted and is otherwise admissible under Federal Rule of Evidence 803(3).

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 323, L. 12-23	Lack of foundation (no time established)	Overruled.
P. 344, L. 6- P. 346, L. 4	Relevance, Lack of foundation	Overruled as to 344:14-345:5; sustained as to 345:6-19; overruled as to 345:20-246:2; sustained as to 346:304; and 344:6-1 is not testimony.
P. 346, L. 25- P. 347, L. 8	Lack of foundation, Relevance	Overruled.
P. 350, L. 12- P. 356, L.2	Relevance, 403, Cumulative	Overruled.
P. 372, L. 24-25	Incomplete designation	Sustained.
P. 397, L. 14- P. 398, L. 7	Lack of foundation, Relevance	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 399, L. 5-21	Lack of foundation	Overruled.
P. 400, L. 8-22	Lack of foundation	Overruled.

## 12. Matthew Donnelly–Rader Transcript - Vol. 3 (6/1/11)

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 417, L. 6-21	Cumulative	Sustained.
P. 425, L. 15-21	Lack of foundation, Relevance	Overruled.
P. 427, L. 10-20	Lack of foundation, Relevance	Overruled, but the exhibit [14] should not be admitted.
P. 431, L. 16- P. 434, L. 19	Relevance, 403	Sustained.
P. 438, L. 15	Incomplete designation	Sustained, and line 14 should be included in the objection.
P. 468, L. 23- P. 470, L. 13	Lack of foundation, Relevance	Overruled.
P. 522, L. 23- P. 529, L. 12	Lack of foundation, Relevance	Overruled.
P. 530, L. 21, P. 531, L. 4	Lack of foundation, improper hypothetical	Overruled.
P. 533, L. 1-24	Lack of foundation, improper hypothetical, No identification of “reports”, Relevance as to Direct Tech testimony	Overruled.
P. 573, L. 16- P. 589, L. 8	Lack of foundation, Relevance (2001-2003 documents)	Sustained through 587:25, overruled as to the rest.

## 13. Matthew Donnelly–Rader Transcript - Vol. 4 (6/2/11)

<b>Plaintiffs’ Designation</b>	<b>Defendants’ Objection</b>	<b>Ruling</b>
P. 646, L. 6-14	Lack of foundation	Overruled.
P. 662, L. 23, P. 663, L. 19	Lack of foundation, Relevance, Hearsay	Overruled.
P. 667, L. 22- P. 670, L. 1	Lack of foundation, Relevance, Hearsay	Overruled.
P. 670, L. 24- P. 672, L. 5	Lack of foundation, Relevance, Hearsay	Overruled.

## 14. Matthew Donnelly–Rader Transcript - Vol. V (10/20/11)

<b>Defendants’ Designation</b>	<b>Plaintiffs’ Objection</b>	<b>Ruling</b>
742:12-25		Overruled as noted in transcript.
747:2-748:22	Leading, ambiguous as to customary	Sustained through 748:6.
756:12-756:18, 757:1-757:11	Leading	Sustained.
848:24- 849:3	Lacks foundation	Sustained.
849:10-851:21	Lacks foundation	Sustained as to 849:10-21; otherwise overruled.
853:5-853:21	Lacks foundation	Sustained.
863:19-863:21, 863:24-864:10	Lacks foundation	Overruled.
892:17-893:7	Lacks foundation	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 826, L. 23-25	Relevance	Sustained.
P. 914, L. 23- P. 915, L. 17	Relevance	Overruled.
P. 918, L. 5- P. 922, L. 24	Lack of foundation, Cumulative, Relevance	Sustained at this point because the Court cannot determine what the witness is reviewing.
P. 926, L. 8-16	Lack of foundation, Relevance	Sustained.
P. 931, L. 3- P. 933, L. 14	Lack of foundation, Relevance	Overruled.
P. 934, L. 10-16	Lack of foundation, Relevance	Overruled.
P. 941, L. 5, P. 948, L. 19	Lack of foundation, Relevance	Sustained at this point because the Court cannot determine what the witness is reviewing.

## 15. Matthew Donnelly–Rader Transcript - Vol. VI (10/21/11)

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 983, L. 22- P. 985, L. 25	Lack of foundation	Overruled.
P. 1002, L. 1-4	Relevance	Sustained.
P. 1009, L. 11- P. 1013, L. 15	Hearsay, Relevance	Overruled.
P. 1071, L. 7- L. 1072, L. 20	Relevance	Sustained.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 1072, L. 21- P. 1076, L. 18	Lack of foundation, Relevance	If these exhibits are being offered through Donnelly, then the objection is sustained, but the testimony that he never saw rate-related documents from DirecTV is relevant and admissible.
P. 1102, L. 17-24	Lack of foundation, Misleading characterization	Overruled, but the Court may need to hear from the parties because the letter is no in this record and it is therefore difficult to determine whether anything was mischaracterized. The Court will consider the evidence that Donnelly was not informed of problems with DirecTV.
P. 1108, L. 15-20	Lack of foundation, Misleading characterization	Same.
P. 1115, L. 18- P. 1118, L. 14	Improper attempt to impeach, Lack of foundation, Relevance, Hearsay	Overruled.

16. Matthew Donnelly–Rader Transcript - Vol. VII (1/19/12)

None

17. Keith Landenberger (2/27/12)

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
57:23-58:1	Hearsay	The objection is taken under advisement because it is not clear which document is being discussed.



<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
59:20-60:1	Attorney statement w/o witness testimony	Sustained.
63:19-21	Attorney statement w/o witness testimony	Sustained.
65:2-4	Attorney statement w/o witness testimony	Sustained.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 17, L. 3-17	Relevance	Overruled.
P. 17, L. 25	Relevance	Overruled.
P. 18, L. 1-4	Relevance	Overruled.
P. 18, L. 25	Relevance	Overruled.
P. 19, L. 1-4	Relevance	Overruled.
P. 19, L. 6-10	Relevance	Overruled.
P. 20, L. 4-12	Relevance	Overruled.
P. 20, L. 21-25	Relevance	Overruled.
P. 21, L. 4-13	Relevance	Overruled.
P. 21, L. 17-19	Relevance, Legal Conclusion	Overruled.
P. 22, L. 2-7	Relevance, Legal Conclusion	Overruled.
P. 23, L. 12-24	Relevance	Overruled.
P. 24, L. 16-22	Relevance, Legal Conclusion	Overruled.
P. 35, L. 14-17	Relevance, Lack of Personal Knowledge	Overruled.
P. 41, L. 14-23	Relevance, Legal Conclusion	Overruled.
P. 44, L. 5-8	Relevance, Legal Conclusion	Overruled.

18. Hans Schroeder (7/13/11)

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
81:1-81:5	Attorney testimony, No factual testimony, mischaracterization of testimony	Sustained.
83:1-83:5	Attorney testimony, No factual testimony, mischaracterization of testimony	Overruled.
107:12-107:18	No factual testimony, lack of foundation	Overruled as to 107:12-15.
131:19-131:21	No factual testimony, attorney testimony, irrelevant, Rule 402	Sustained.
137:23-138:4	No factual testimony, attorney testimony, irrelevant, Rule 402	Sustained.
185:4-185:9	No factual testimony, attorney testimony, irrelevant, Rule 402	Sustained.
187:10-187:19	No factual testimony, attorney testimony, irrelevant, Rule 402	Sustained.
198:9-200:2	Irrelevant, Rule 402	Overruled to extent he says it is similar to work with Matt Donnelly.
202:4-202:19	Irrelevant, Rule 402	Overruled.
203:10-206:25	Irrelevant, Rule 402	Sustained as to 204:3, 10; overruled as to 205:3, 205:4–206:25
207:10-209:21	Irrelevant, Rule 402	Sustained.
222:25-224:8	Irrelevant, Rule 402	Overruled.
226:2-226:19	Irrelevant, Rule 402, speculative, ambiguous	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 23, L. 4-13	Lack of Foundation, Speculation	Overruled.
P. 30, L. 5-25	Hearsay, Speculation, Lack of Foundation, Relevance	Overruled.
P. 40, L. 20-22	Hearsay, Speculation, Lack of Foundation	Overruled.
P. 41, L. 25	Hearsay, Speculation, Lack of Foundation	Overruled.
P. 42, L. 1-12	Hearsay, Speculation, Lack of Foundation	Overruled.
P. 53, L. 25	Hearsay, Lack of Foundation	Overruled.
P. 54, L. 1-4	Lack of Foundation, Hearsay	Overruled.
P. 60, L. 18-25	Lack of Foundation, Hearsay	Overruled.
P. 61, L. 1-4	Hearsay, Lack of Foundation	Overruled.
P. 61, L. 18-25	Hearsay, Relevance, Lack of Foundation	Overruled.
P. 62, L. 1-15	Hearsay, Lack of Foundation	Overruled.
P. 62, L. 16-25	Hearsay, Lack of Foundation Attorney Testimony	Overruled. The agreement is in evidence and the witness can testify about what he actually knew.
P. 63, L. 1-7	Hearsay, Lack of Foundation Attorney Testimony	Overruled.
P. 63, L. 8-16	Hearsay, Lack of Foundation Relevance	Overruled.
P. 65:10-66:3	Hearsay, Lack of Foundation Relevance, Impermissible Opinion Testimony	Overruled.
P. 69:1-20	Hearsay, Lack of Foundation	Overruled.
P. 71:6-9	Hearsay, Lack of Foundation Relevance	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 71:10-73:2	Hearsay, Lack of Foundation Relevance, Attorney Testimony, Impermissible Hypothetical	Overruled.
P. 73:11-74:19	Hearsay, Lack of Foundation Relevance, Attorney Testimony, Impermissible Hypothetical	Overruled.
P. 75:5-24	Hearsay, Lack of Foundation, Lack of Authentication	Overruled.
P. 77:11-14	Hearsay, Lack of Foundation	Overruled.
P. 80:2-20	Hearsay, Lack of Foundation, Lack of Authentication	Overruled.
P. 86:22-87:13	Relevance, Hearsay, Lack of Foundation, Incomplete Designation	Overruled.
P. 90:3-22	Hearsay, Lack of Foundation, Lack of Authentication, Speculation Incomplete Designation, Misleading	Overruled.
P. 94:24-95:6	Hearsay, Lack of Foundation, Relevance	Overruled.
P. 101:13- 102:8	Hearsay, Lack of Foundation, Relevance	Overruled.
P. 106:8-21	Hearsay, Lack of Foundation, Attorney Testimony	Overruled.
P. 120:10-19	Hearsay, Lack of Foundation, Relevance	Overruled.
P. 122:19-24	Hearsay, Lack of Foundation	Overruled.
P. 124:3-125:1	Hearsay, Lack of Foundation, Attorney Testimony, Relevance	Overruled.
P. 152:21-24	Relevance, Lack of Foundation, Attorney Testimony	Overruled.
P. 167:9-25	Relevance, Misleading	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 168:23-169:17	Lack of Foundation, Lack of Authentication	Sustained.

19. Hans Schroeder (7/14/11)

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
250:18-252:10	Irrelevant	Overruled.
252:23-253:5	Irrelevant	Overruled.
253:14-253:17	Lack of foundation; Irrelevant & confusing (401, 403) Speculation	Overruled.
253:18-254:1	Irrelevant	Overruled.
255:5-255:16	Irrelevant	Overruled.
255:22-256:1	Irrelevant	Overruled.
256:13-256:23	Irrelevant	Overruled.
257:10-257:20	Irrelevant	Sustained.
257:22-259:8	Calls for legal conclusion; Lack of foundation; Speculation; Lack of personal knowledge	Sustained.
262:25-264:6	Expert opinion; Out of context and confusing; Speculation; Lack of foundation & personal knowledge	Sustained as to expert opinion.
264:7-264:10	Irrelevant & confusing (401, 403); Lack of foundation	Overruled.
265:22-266:9	Expert opinion; Irrelevant & confusing (401, 403); Speculation; Lack of foundation & personal knowledge	Sustained as to expert opinion.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
267:14-267:25	Expert opinion; Irrelevant & confusing (401, 403); Speculation; Lack of foundation & personal knowledge	Overruled.
268:16-269:20	Expert opinion; Irrelevant & confusing (401, 403); Speculation; Lack of foundation & personal knowledge	Sustained as to expert opinion.
271:15-271:16	Expert opinion; Irrelevant & confusing (401, 403); Speculation; Lack of foundation & personal knowledge	Overruled.
274:15-274:21	Speculation; Lack of foundation & personal knowledge	Overruled.
274:22-274:23	Attorney statement without testimony	Overruled.
275:3-275:5	Irrelevant & confusing (401, 403)	Overruled.
275:16-275:21	Lack of foundation	Overruled.
277:13-278:1	Lack of foundation; Lack of personal knowledge; Calls for Speculation	Sustained.
279:5-279:10	Calls for speculation; Lack of foundation; Lack of personal knowledge	Overruled.
279:23-280:1	Calls for speculation; Lack of foundation; Lack of personal knowledge	Overruled.
280:11-280:15	Calls for speculation; Lack of foundation; Lack of personal knowledge	Overruled. Similar testimony is already in evidence.
280:20-280:24	Calls for speculation; Lack of foundation; Lack of personal knowledge	Overruled.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
284:7-284:7	Calls for speculation; Lack of foundation; Lack of personal knowledge	Overruled.
286:21-287:5	Calls for speculation	Overruled.
286:21-287:5	Expert opinion; calls for speculation	Overruled. The testimony explains Plaintiffs' designation on page 287.
292:4-294:23	Calls for speculation; Lack of foundation; Lack of personal knowledge	Sustained; there is no testimony given in the selected passage.
296:19-296:23	Calls for speculation; Lack of foundation; Lack of personal knowledge	Overruled.
301:10-11	Calls for speculation; Lack of foundation; Lack of personal knowledge	Sustained.
305:4-22	Legal conclusion & expert opinion; Out of context and confusing; calls for speculation	Sustained as an expert and legal conclusion.
306:4-306:9	Attorney statement without testimony; Hearsay	Overruled.
309:7-16	Irrelevant	Overruled.
310:13-311:4	Lack of foundation; Speculation; Lack of personal knowledge	Sustained as to 310:13-16; overruled as to 310:17-311:4.
312:9-312:15	Irrelevant & confusing (401, 403); Lack of foundation; Speculation; Lack of personal knowledge	Overruled; door opened.
314:23-315:11	Calls for speculation; Lack of foundation; Lack of personal knowledge	Overruled.
315:18-316:4	Attorney statements without testimony	Sustained.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
321:18-321:25	Attorney statements without testimony; Lack of foundation	Sustained; there is no testimony given in the selected passage.
322:3-322:11	Attorney statements without testimony; Lack of foundation	Sustained; there is no testimony given in the selected passage.
324:17-324:23	Calls for speculation; Lack of foundation; Lack of personal knowledge	Overruled.

20. Hans Schroeder (2/24/12)

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
9:15-9:19	Irrelevant; Attorney statement without testimony	Overruled.
13:21-15:11	Irrelevant	Overruled.
14:15-14:18	Attorney statement without testimony	Sustained.
15:4-15:11	Attorney statement without testimony	Sustained.
15:23-16:7	Irrelevant	Overruled.
16:4-16:5	Attorney statement without testimony	Sustained.
16:11-16:17	Irrelevant	Overruled.
16:14-16:16	Attorney statement without testimony	Sustained.
16:21-18:3	Irrelevant	Overruled.
18:9-18:19	Irrelevant	Overruled.
33:8-33:8	Attorney statement without testimony	Sustained.



<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
35:7-35:24	Irrelevant	Overruled.
35:16-25:17	Attorney statement without testimony.	Sustained.
36:8-36:12	Irrelevant	Overruled.
39:9-40:2	Irrelevant	Overruled.
39:24-46:5	Irrelevant & confusing (401, 403); Hearsay; Lack of foundation; Speculation; Lack of personal knowledge	Overruled.
45:24-52:4	Irrelevant & confusing (401, 403); Hearsay; Lack of foundation; Speculation; Lack of personal knowledge	Sustained as to 45:24-46:5, 48:6-14, 48:19-49:2; otherwise overruled.
52:2-52:4	Attorney statement without testimony	Overruled.
53:24-54:11	Hearsay; Lack of foundation	Overruled.
54:22-54:25	Non-responsive answer; Irrelevant & confusing (401, 403)	Overruled.
56:12-57:3	Irrelevant	Overruled.
57:21-58:14	Irrelevant	Overruled.
59:1- 59:17	Irrelevant	Overruled.
59:12-59:14	Irrelevant & confusing (401, 403)	Overruled.
60:19-60:24	Irrelevant & confusing (401, 403)	Overruled.
61:6-62:22	Hearsay; Best evidence rule	Sustained.
62:24-63:7	Hearsay; Best evidence rule	Sustained.
67:6-67:14	Hearsay; Speculation; Lack of foundation; Lack of personal knowledge	Sustained.
92:8-93:25	Irrelevant	Sustained.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
94:23-95:23	Irrelevant	Overruled.
96:5-96:23	Irrelevant	Overruled.
99:14-99:19	Attorney statement without testimony; Irrelevant	Sustained.
100:7-100:10	Lack of Foundation	Overruled.
100:20-100:21	Irrelevant & confusing (401, 403)	Overruled.
103:5-103:9	Irrelevant	Overruled.
103:12-105:15	Irrelevant	Overruled through 105:7.
104:5-105:15	Argumentative; Harassing the witness; Attorney statements without testimony	Overruled through 105:7.
106:4-106:20	Irrelevant; attorney statements without testimony	Sustained.
107:19-107:25	Irrelevant; attorney statement without testimony	Sustained.
108:8-108:11	Irrelevant	Overruled.
112:21-112:23	Irrelevant & confusing (401, 403); Attorney statement without question	Overruled.
113:12-113:13	Irrelevant & confusing (401, 403)	Overruled.
113:15-114:2	Hearsay; Best evidence	Overruled.
115:25-116:7	Lack of Foundation; Lack of personal knowledge; Speculation; Calls for expert testimony	Overruled.
116:14-116:21	Lack of Foundation; Lack of personal knowledge; Speculation; Calls for expert testimony	Overruled.
116:22-117:3	Lack of Foundation; Lack of personal knowledge; Speculation; Calls for expert testimony	Overruled.
117:18-117:25	Hearsay	Overruled.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
118:5-118:8	Lack of Foundation; Lack of personal knowledge; Speculation; Calls for expert testimony; Assumes facts not in evidence	Overruled; there was no objection to the answer.
118:16-118:17	Lack of Foundation; Lack of personal knowledge; Speculation; Calls for expert testimony; Assumes facts not in evidence	Overruled.
119:14-119:16	Irrelevant	Overruled.
122:4-122:6	Irrelevant & confusing (401, 403)	Overruled.
122:14-122:19	Hearsay; unresponsive answer; Irrelevant & confusing (401, 403)	Overruled.
130:10-130:13	Lack of Foundation; Lack of personal knowledge; Speculation	Overruled.
130:4-130:19	Irrelevant	Overruled.
126:10-126:14	Irrelevant	Overruled.
128:12-128:20	Irrelevant	Overruled.
129:14-130:4	Irrelevant	Overruled.
130:7-130:15	Irrelevant	Overruled.
130:23-132:13	Irrelevant	Sustained as to 130:11-12.
132:14-132:23	Lack of personal knowledge; Lack Foundation; Speculation	Sustained.
132:24-133:2	Lack of personal knowledge; Lack Foundation; Speculation	Sustained.
136:12-136:16	Lack of personal knowledge; Lack Foundation; Speculation	Overruled.
137:20-137:25	Lack of personal knowledge; Lack Foundation; Speculation	Sustained.
157:2-157:8	Attorney statement without question/answer	Overruled.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
157:24-159:9	Irrelevant	Overruled.
159:10-159:12	Attorney statement without testimony	Sustained.
159:15-159:19	Irrelevant; Argumentative & harassing witness	Sustained.
159:21-160:18	Irrelevant	Sustained.
160:22-162:3	Irrelevant	Sustained.
165:20-165:25	Irrelevant	Sustained.
167:2-168:7	Irrelevant	Overruled as to the existence of the conversation; sustained as to the contract.
168:10- 169:1	Irrelevant	Same.
169:8-169:13	Irrelevant	Same.
201:11-201:24	Irrelevant	Overruled.
202:3-202:8	Irrelevant	Overruled.
202:14-202:23	Irrelevant	Overruled.
203:1-204:3	Irrelevant	Overruled.
204:1-204:12	Lack of personal knowledge; Lack Foundation; Speculation	Overruled.
204:13-206:17	Irrelevant	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 48:6-14	Hearsay, Lack of Foundation Incomplete designation	Both parties object to this, so sustained.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 68:22-71:11	Hearsay, Relevance, Lack of Foundation, Lack of Authentication, Inappropriate Expert Opinion Testimony, Incomplete Designation	Overruled. Similar testimony is already in evidence and the objected-to testimony is responsive to Defendants' other designations.
P. 71:16-72:9	Hearsay, Relevance, Lack of Foundation Lack of Authentication, Inappropriate Expert Opinion Testimony, Incomplete Designation	Sustained.
P. 175:25-177:10	Hearsay, Lack of Foundation, Lack of Authentication, Inappropriate Expert Opinion Testimony, Relevance	Overruled.
P. 177:20-22	Relevance, Lack of Foundation, Cumulative	Overruled.
P. 178:17-181:12	Relevance, Lack of Foundation	Overruled.
P. 190:19-192:17	Relevance, Lack of Foundation, Inappropriate Expert Opinion Testimony	Overruled. The Court might sustain this, but it seems that it came in without objection in other places.
P. 193:1-25	Relevance, Lack of Foundation, Inappropriate Expert Opinion Testimony, Inappropriate Hypothetical	Sustained as to the expert opinion.

## 21. Rose White - Rader Transcript Vol. 1 (7/14/11)

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
20:1–22:21 <sup>9</sup>	Irrelevant under Fed. R. Evid. 401. Testimony constitutes expert opinion/conclusions; inadmissible lay opinion testimony under Fed. R. Evid. 701.	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 11:15-17	Relevance	Sustained.
P. 11:22-24	Relevance	Sustained.
P. 19:11-14	Relevance	Overruled.
P. 22:22-23:2	Relevance	Overruled.
P. 32:25-33:16	Relevance	Overruled.
P. 35:24-36:3	Relevance	Overruled.
P. 37:20-38:2	Relevance	Sustained.
P. 39:6-24	Relevance	Overruled.
P. 44:15-25	Relevance, Hearsay, Lack of Foundation	Overruled.
P. 46:13-18	Hearsay, Relevance, Lack of Foundation	Overruled.

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<sup>9</sup>This may be a typo. The parties provided transcripts that marked the objections. The only objection marked in the transcript for these pages covers 20:1–5, but lines 1–3 were designated by both parties, and none of the marked objections on page 20 are valid. Other portions of 20:1–22:21 were also designated by both parties, and in any event the objections are overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 46:19-22 and 47:7-9	Relevance, Hearsay, Lack of Foundation	Sustained.
P. 47:7-23	Relevance, Hearsay, Lack of Foundation, Attorney Testimony	Sustained except as to lines 16–23.
P. 48:14-19	Relevance, Hearsay, Lack of Foundation	Overruled.
P. 49:16-50:10	Hearsay, Lack of Foundation, Relevance	Overruled.
P. 50:16-52:3	Hearsay, Lack of Foundation, Relevance	Overruled.
P. 55:22-25	Hearsay, Lack of Foundation	Overruled.
P. 56:10-57:8	Hearsay, Lack of Foundation, Lack of Authentication, Attorney Testimony	Overruled.
P. 58:5-15	Hearsay, Lack of Foundation	Overruled.
P. 58:19-59:15	Hearsay, Lack of Foundation	Overruled.
P. 60:11-14	Hearsay, Lack of Foundation, Misleading, Incomplete Designation	Overruled.
P. 63:14-64:6	Hearsay, Lack of Authentication	Overruled.
P. 65:1-10	Hearsay, Lack of Foundation, Lack of Authentication	Overruled.
P. 65:20-66:11	Hearsay, Lack of Foundation, Lack of Authentication	Overruled.
P. 69:20-70:24	Hearsay, Lack of Foundation, Lack of Authentication, Speculation, Misleading, Incomplete Designation	Overruled.
P. 70:25-72:3 and 72:7-11	Hearsay, Lack of Foundation, Relevance, Lack of Authentication, Attorney Testimony	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 74:2-75:13	Hearsay, Lack of Foundation, Relevance, Lack of Authentication, Attorney Testimony	Overruled to the extent she is merely describing her work related to the listed companies.
P. 79:13-24	Hearsay, Lack of Foundation, Attorney Testimony, Relevance	Overruled.
P. 80:19-23	Hearsay, Lack of Foundation, Relevance, Lack of Authentication, Attorney Testimony	Overruled.
P. 81:4-83:25	Hearsay, Lack of Foundation, Relevance, Lack of Authentication, Attorney Testimony	Overruled.
P. 84:3-85:9	Hearsay, Lack of Foundation, Attorney Testimony, Relevance	Overruled.
P. 85:24-86:12	Relevance, Lack of Foundation, Attorney Testimony, Inappropriate Expert Testimony	Overruled through 86:3, sustained as to the rest of the objected-to testimony as inappropriate expert testimony.
P. 86:18-25	Hearsay, Attorney Testimony, Relevance, Misleading, Lack of Foundation	Overruled.
P. 87:13-88:8	Lack of Foundation, Hearsay, Attorney Testimony, Relevance	Overruled.
P. 88:21-89:6	Hearsay, Lack of Foundation, Incomplete designation, Relevance	Overruled.
P. 89:17-90:9	Hearsay, Lack of Foundation	Overruled.
P. 90:17-92:1	Hearsay, Relevance, Incomplete Designation	Overruled.
P. 93:13-18	Hearsay, Relevance	Overruled.
P. 101:7-11	Relevance, Lack of Foundation, Misleading	Overruled.
P. 102:19-25	Misleading, Relevance, Lack of Foundation	Overruled.



<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 103:10-19	Relevance, Lack of Foundation	Overruled.
P. 105:7-17	Hearsay, Lack of Foundation	Overruled.
P. 106:7-20	Hearsay, Lack of Foundation	Overruled.
P. 107:2-24	Hearsay, Lack of Foundation	Overruled.
P. 110:7-11	Hearsay, Lack of Foundation	Overruled.
P. 110:12-111:9	Hearsay, Lack of Foundation, Attorney Testimony, Relevance	Overruled.
P. 111:18-22	Hearsay, Lack of Foundation, Relevance	Overruled.
P. 112:13-16	Hearsay, Lack of Foundation, Relevance	Overruled.
P. 114:2-18	Hearsay, Lack of Foundation, Relevance	Overruled.
P. 115:10-116:8	Hearsay, Lack of Foundation, Relevance	Overruled.
P. 125:13-126:1 and 127:1-6	Hearsay, Relevance	Sustained as to 127:1-2, otherwise overruled.
P. 127:19-128:15	Hearsay, Relevance, Lack of Foundation	Overruled.
P. 128:16-130:13	Hearsay, Relevance, Lack of Foundation, Lack of Authentication	Overruled.
P. 130:19-23, 130:25-131:23, 132:1-18, and 132:21-25	Hearsay, Lack of Foundation, Relevance, Lack of Authentication	Overruled.
P. 134:3-5, 134:10-21,	Hearsay, Relevance, Lack of Foundation	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 134:24-135:23, 136:5-12, and 136:16-18	Hearsay, Relevance, Lack of Foundation, Speculation	Overruled.
P. 136:19-22, 136:25-137:4, and 137:8-12	Hearsay, Relevance, Lack of Foundation	Sustained.

## 22. Rose White - Rader Transcript Vol. 2 (12/12/11)

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
183/2-184/6	Irrelevant under Fed.R.Evid. 401.	Overruled.
184/20-185/15	Irrelevant under Fed.R.Evid. 401.	Sustained.
193/1-193/13	Lacks factual foundation; assumes facts not in evidence (Fed.R.Evid. 401, 403). Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
215/4-215/13	Testimony out of context and leading.	Overruled.
217/6-217/22	Testimony out of context and leading.	Overruled.
225/22-226/13	Irrelevant under Fed.R.Evid. 401. Constitutes expert opinion/conclusions; inadmissible lay opinion testimony under Fed.R.Evid. 701.	Sustained, inappropriate expert testimony.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
226/18-226/22	Irrelevant under Fed.R.Evid. 401. Constitutes expert opinion/conclusions; inadmissible lay opinion testimony under Fed.R.Evid. 701.	Sustained, inappropriate expert testimony.
232/8-232/16	Irrelevant under Fed.R.Evid. 401.	Overruled.
236/25-237/15	Irrelevant under Fed.R.Evid. 401.	Overruled.
241/25-242/8	Lacks factual foundation; assumes facts not in evidence (Fed.R.Evid. 401, 403). Assumes facts not in evidence and likely to cause confusion under Fed.R.Evid. 401, 403.	Overruled.
245/8-245/24	Lacks factual foundation; assumes facts not in evidence (Fed.R.Evid. 401, 403). Assumes facts not in evidence and likely to cause confusion under Fed.R.Evid. 401, 403.	Overruled.
247/14-247/24	Irrelevant under Fed.R.Evid. 401. Constitutes expert opinion/conclusions; inadmissible lay opinion testimony under Fed.R.Evid. 701.	Sustained, inappropriate expert testimony.
249/3-250/8	Irrelevant under Fed.R.Evid. 401.	Overruled.
251/11-252/7	Irrelevant under Fed.R.Evid. 401. Assumes facts not in evidence and likely to cause confusion under Fed.R.Evid. 401, 403.	Overruled.
258/3-258/7	Speculation and inadmissible under Fed.R.Evid. 401-403, 602 (as to what BEAR knew).	Overruled. Objections to the form of the question are waived if not raised in the deposition.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
271/25-272/2	Lacks factual foundation; assumes facts not in evidence (Fed.R.Evid. 401, 403). Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
276/3-277/12	Constitutes expert opinion/conclusions; inadmissible lay opinion testimony under Fed.R.Evid. 701.	Sustained as to expert opinion; overruled as to 276:16–19; 277:9–12.
277/17-277/21	Constitutes expert opinion/conclusions; inadmissible lay opinion testimony under Fed.R.Evid. 701.	Sustained as expert opinion.
279/3-279/19	Constitutes expert opinion/conclusions; inadmissible lay opinion testimony under Fed.R.Evid. 701.	Sustained as expert opinion.
282/10-282/24	Constitutes expert opinion/conclusions; inadmissible lay opinion testimony under Fed.R.Evid. 701.	Sustained as expert opinion.
286/5-286/16	Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
288/8-288/18	Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Sustained.
299/16-299/23	Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
302/8-303/11	Irrelevant under Fed.R.Evid. 401.	Overruled.
305/5-306/23	Irrelevant under Fed.R.Evid. 401.	Overruled.
310/22-312/6	Irrelevant under Fed.R.Evid. 401.	Overruled.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
314/3-314/22	Testimony out of context and leading.	Overruled. Objections to the form of the question are waived if not raised in the deposition.
315/23-316/4	Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
317/5-320/20	Irrelevant under Fed.R.Evid. 401. Out of context; leading; Johanson is testifying for the witness.	Overruled as to the witness's response to the specific question she was asked; most of the leading was not objected to, and counsel's descriptions are not considered evidence.
323/20-325/25	Irrelevant under Fed.R.Evid. 401.	Overruled.
327/17-327/24	Irrelevant under Fed.R.Evid. 401.	Sustained.
341/9-341/15	Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
349/9-352/15	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
356/5-357/19	Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
358/8-361/13	Lacks factual foundation; assumes facts not in evidence (Fed.R.Evid. 401, 403). Assumes facts not in evidence and likely to cause confusion under Fed.R.Evid. 401, 403.	Overruled.
366/24-367/20	Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
369/6-370/23	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
371/10-374/23	Speculation and inadmissible under Fed.R.Evid. 401-403, 602. Lack of personal knowledge.	Overruled.
375/4-377/10	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
377/25-381/8	Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.

## 23. Rose White - Rader Transcript Vol. 3 (12/19/11)

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
393/20-394/25	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
396/19-397/23	Irrelevant under Fed.R.Evid. 401.	Overruled.
398/4-398/22	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
399/9-399/18	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
400/14-400/21	Lacks factual foundation; assumes facts not in evidence (Fed.R.Evid. 401, 403).	Overruled.
401/6-401/14	Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
402/19-403/4, 9-14	Irrelevant under Fed.R.Evid. 401.	Overruled.
405/21	Irrelevant under Fed.R.Evid. 401.	Overruled.
407/12-407/14	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
408/3-408/17	Irrelevant under Fed.R.Evid. 401.	Overruled.
409/2-409/5	Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
410/7, 12-407/17 <sup>10</sup>	Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
411/18-412/1	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
413/14, 22-414/14	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
414/21-415/7-9	Irrelevant under Fed.R.Evid. 401.	Overruled.
417/9-417/14	Irrelevant under Fed.R.Evid. 401.	Overruled.
420/23-426/17	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
427/13-428/7	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.

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<sup>10</sup>It appears that Plaintiffs intended to reference 410:7, 12–17.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
428/13-429/11	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
429/16-431/1	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
431/7-431/17	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
435/7-436/16	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
437/11-442/9	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
445/3-445/15	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
448/17-449/23	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
450/25-452/18	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
453/8-460/19	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
461/7-462/5	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.



<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
462/13-463/13	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
465/2-465/9	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
466/6-466/12	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
467/9-467/15	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
468/15-468/22	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
471/9-473/25	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
474/4-475/25	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
476/10-479/22	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
484/17-485/12	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
489/19-489/25	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
491/19-491/25	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
492/1-494/23	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
494/24-496/23	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
518/22-520/3	Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
522/5-524/13	Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
525/15-526/4	Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.
527/8-527/14	Irrelevant under Fed.R.Evid. 401. Speculation and inadmissible under Fed.R.Evid. 401-403, 602.	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 498:7-503:21 and 506:10-509:6	Relevance, Hearsay, Lack of Foundation, Cumulative	Overruled.
P. 510:5-511:17	Relevance, Hearsay, Lack of Foundation, Cumulative	Overruled.
P. 511:18-20	Relevance, Hearsay	Overruled, no objection to the response.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 524:3-5	Misleading, Hearsay, Attorney Testimony	Overruled.
P. 524:8-13	Hearsay, Lack of Foundation	Overruled.
P. 526:7-10	Hearsay, Lack of Foundation	Overruled.

## 24. Rose White - Perez Transcript Vol. I (2/23/12)

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
51:25–52:25	Form: improper method of refreshing witness's recollection	Sustained. While the witness may have been refreshed, she offered no testimony regarding the issue, and counsel's question is not evidence.
69:4–9	Hearsay	Overruled.
82:18–22	Calls for expert opinion; lack of foundation	Sustained.
92:6–15	Calls for expert opinion; lack of foundation	Sustained.
108:4–8.10	Calls for expert opinion; lack of foundation	Sustained.
108:11–14, 16	Calls for expert opinion; lack of foundation	Sustained.
111:1–10	Calls for expert opinion; lack of foundation	Overruled; no objection to response.
113:2–8	Calls for expert opinion; lack of foundation	Sustained.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
134:25–135:3	Lack of foundation: witness did not remember predicate facts (emails referenced); unsupported fact (implies White produced “valuations”)	Overruled.
135:7–13	Lack of foundation: witness did not remember predicate facts (emails referenced); unsupported fact (implies White produced “valuations”)	Overruled.
135:17–23	Lack of foundation: unsupported fact (implies White produced “valuations”)	Overruled.
151:15–18	Form: term “substantially more conservative” vague and ambiguous	Overruled. Testimony was designated by both parties, and there was no objection to the response.
168:13–169:2	Hearsay	Overruled. Statement not offered for the truth of the matter asserted.
170:2–25	Hearsay	Overruled. Statement not offered for the truth of the matter asserted.
171:13–16, 20	Hearsay	Overruled. Statement not offered for the truth of the matter asserted.
176:3–19	Hearsay; Form: term “carelessness” vague and ambiguous	Overruled.
176:21–23	Hearsay; Form: phrase “attention to detail” vague and ambiguous	Overruled.
182:9–14	Hearsay	Overruled. Statement not offered for the truth of the matter asserted.
189:18–190:1	Hearsay	Overruled. Statement not offered for the truth of the matter asserted.
190:21–24	Hearsay	Overruled. Statement not offered for the truth of the matter asserted.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
191:2–5	Hearsay	Overruled. Statement not offered for the truth of the matter asserted.
192:21–193:25	Hearsay	The Court may need clarification on these objections, but it appears they should be overruled. First, evidence related to Donnelly's work is already in evidence through other witnesses, often offered by the Plaintiffs. Second, the statements are not, in many instances, offered for their truth but to show what Donnelly concluded or what he did or did not do. Finally, Plaintiffs themselves rely heavily on these exhibits in other depositions. If they now maintain that the exhibits are not business records under 803(6), or otherwise maintain that they are hearsay, then excluding this testimony would necessitate exclusion of all reference to the valuation reports and supporting documentation.
194:20–195:4	Hearsay	Overruled. Statement not offered for the truth of the matter asserted.
195:14–15	Hearsay	Overruled. Statement not offered for the truth of the matter asserted.
196:16–197:10	Hearsay	Overruled. Statement not offered for the truth of the matter asserted.
198:4–25	Hearsay	Overruled.
199:25–200:8	Hearsay	Overruled.
200:23–201:9	Hearsay	Overruled.
200:13–22	Hearsay	Overruled.
202:12–25	Hearsay	Overruled.
203:4–15	Hearsay	Overruled.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
204:4–6	Hearsay	Overruled.
204:13–20	Hearsay	Overruled.
205:8–18	Hearsay	Overruled.
206:10–13	Hearsay	Overruled.
207:9–18	Hearsay	Overruled.
207:24–208:2	Hearsay	Overruled.
208:13–209:2	Hearsay	Overruled.
209:10–12	Hearsay	Overruled.
201:1–25	Hearsay	Overruled.
212:16–24	Hearsay	Overruled.
213:3–15	Hearsay	Overruled.
213:19–21	Hearsay	Overruled.
214:18–215:1	Hearsay	Overruled.
215:10–12	Hearsay	Overruled.
215:18–216:5	Hearsay	Overruled.
217:1–21	Hearsay	Overruled.
218:10–24	Hearsay	Overruled.
219:1–3, 5	Form: phrase “attention to detail” vague and ambiguous	Overruled.
219:14–220:19	Form: term “carelessness” vague and ambiguous	Overruled.
221:8–14	Hearsay	Overruled.
222:5–223:18	Hearsay	Overruled.
224:4–16	Hearsay	Overruled.
225:2–5	Hearsay	Overruled.
226:4–6	Hearsay	Overruled.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
228:10–13	Hearsay	Overruled.
229:13–15	Hearsay	Overruled.
230:3–5	Hearsay	Overruled.
231:7–15	Hearsay	Overruled.
232:2–6	Hearsay	Overruled.
233:17–21	Hearsay	Overruled.
237:18–21	Hearsay	Overruled.
238:6–15	Hearsay	Overruled.
239:10–15	Hearsay	Overruled.
240:11–17	Hearsay	Overruled.
243:23–244:2	Hearsay	Overruled.
246:17–20	Hearsay	Overruled.
248:24–249:4	Hearsay	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 78:19-79:9	Hearsay, Relevance	Overruled.
P. 101:19-102:3	Relevance	Sustained.
P. 151:22-155:8	Lack of Foundation, Hearsay	Overruled.
P. 160:13-163:4	Lack of Foundation, Hearsay, Speculative	Overruled.
P. 253:24-256:18	Hearsay, Lack of Foundation, Relevance	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 256:23-257:14	Hearsay, Lack of Foundation, Speculative	Overruled.
P. 258:24-259:11	Hearsay, Lack of Foundation, Questions Withdrawn	Sustained. No testimony.
P. 260:18-24	Hearsay, Lack of Foundation, Improper Hypothetical	Overruled. Germane cross-examination.
P. 263:6-264:11	Hearsay, Relevance	Overruled. Germane cross-examination.
P. 272:13-273:9	Hearsay, Lack of Foundation	Overruled. Germane cross-examination.
P. 275:13-276:2	Hearsay, Lack of Foundation, Relevance	Overruled.
P. 276:3-277:6	Hearsay, Lack of Foundation, Improper Hypothetical, Relevance, Lack of Authentication	Overruled.
P. 278:16-279:12	Hearsay, Lack of Foundation, Relevance, Lack of Authentication	Overruled.
P. 279:13-280:17	Hearsay, Lack of Foundation, Lack of Authentication, Improper Expert Testimony	Sustained. Expert opinion.
P. 282:12-283:3	Hearsay, Lack of Foundation, Lack of Authentication, Improper Expert Testimony	Overruled as to 282:12–22; sustained as to the rest as expert testimony.
P. 286:9-288:25	Hearsay, Relevance, Lack of Foundation	Overruled.
P. 307:23-308:12	Hearsay, Lack of Foundation, Relevance	Sustained. Her testimony is based on issues that arose after the relevant time, and there is no indication from this testimony that similar issues existed during the relevant time. Fed. R. Evid. 402.



## 25. Rose White - Perez Transcript Vol. II (2/24/12)

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
347:21-22	Hearsay	Overruled.

<b>Plaintiffs' Designation</b>	<b>Defendants' Objection</b>	<b>Ruling</b>
P. 323:23-327:22	Hearsay, Lack of Foundation, Lack of Authentication, Speculative	Overruled.
P. 328:1-330:25	Hearsay, Lack of Foundation, Improper Expert Opinion	Sustained as to expert opinions; overruled as to what was recorded because Defendants inquired into this in the 2/23/12 deposition.
P. 331:1-332:4	Hearsay, Lack of Foundation	Overruled; Defendants introduced this exhibit and examined the witness about it.
P. 332:16-333:13	Relevance, Hearsay, Lack of Foundation, Speculative	Overruled.
P. 334:4-335:5	Relevance, Hearsay, Lack of Foundation, Speculative	Overruled.
P. 335:15-23, 341:12-342:16	Hearsay, Relevance	Overruled.
P. 358:5-15	Hearsay, Relevance	Overruled.
P. 361:3-9	Hearsay, Relevance, Lack of Foundation	Overruled.

## 26. Rose White - Perez Transcript Vol. III (4/12/12)

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
380:2-3	Hearsay	Overruled. Most of the following objections relate to an affidavit White signed, the documents it

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
		addressed, and her efforts to review her file. Questions regarding her past affidavit statements are not hearsay pursuant to Rule 801(d)(1). Questions regarding the exhibits addressed in the affidavit are not hearsay unless Plaintiffs now maintain that the valuations and supporting documents are hearsay not otherwise redeemed by Rule 803(6) or other exceptions. Finally, asking the witness about her actions does not involve an out-of-court statement offered for its truth. For these reasons, the objections are overruled.
381:13-20	Hearsay	Overruled. The statement is not considered for its truth, but explains the testimony that follows without objection.
384:9-12	Lack of foundation	Overruled.
386:5-13	Hearsay	Overruled.
386:17-24	Hearsay	Overruled.
387:2-7	Hearsay	Overruled.
387:16-22	Hearsay	Overruled.
389:9-16	Hearsay	Overruled.
390:7-17; 390:21	Hearsay	Overruled.
390:14-17; 390:19-21	Form: Compound	Overruled.
391:18-392:4	Hearsay	Overruled.
392:9-12	Hearsay	Overruled.
392:16-20	Hearsay	Overruled.
394:11-25	Hearsay	Overruled.
395:14-24	Hearsay	Overruled.
397:5-398:1	Hearsay	Overruled.
398:3-24	Hearsay	Overruled.
399:1-5	Hearsay	Overruled.
400:2	Hearsay	Overruled.
400:20-23	Hearsay	Overruled.
400:25-401:4	Hearsay	Overruled.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
400:9-15	Hearsay; Lack of foundation: Attorney asserting facts	Overruled.
402:4-8	Hearsay	Overruled.
404:1-4	Hearsay	Overruled.
404:12-15	Lack of foundation: Misstates witness testimony	Overruled.
404:22-24	Lack of foundation: Misstates witness testimony	Overruled.
405:11-19	Hearsay	Overruled.
407:9-12, 15	Hearsay; Form: Vague as to the word "conflict"; Compound	Overruled.
408:3-409:2	Hearsay	Overruled.
409:21-24; 410:2-3	Hearsay; Form: Vague as to the word "conflict"; Compound	Overruled.
410:14-20	Hearsay	Overruled.
411:3-10	Hearsay	Overruled.
411:16-24	Hearsay	Overruled.
413:2-4, 11-12	Hearsay; Form: Vague as to the word "conflict"; Compound	Overruled.
413:24-414:3	Hearsay	Overruled.
414:6-23	Hearsay	Overruled.
414:25-415:3	Hearsay	Overruled.
416:16-18, 20	Hearsay; Form: Vague as to the word "conflict"; Compound	Overruled.
417:12-418:3	Hearsay	Overruled.
419:1-4, 6	Hearsay; Form: Vague as to the word "conflict"; Compound	Overruled.
419:23-420:6	Hearsay	Overruled.
420:8-18	Hearsay	Overruled.
422:4-423:11	Hearsay	Overruled.
424:13-15, 18	Hearsay; Form: Vague as to the word "conflict"; Compound	Overruled.
425:5-10	Hearsay	Overruled.
425:18-426:4	Hearsay	Overruled.
425:11-21	Hearsay	Overruled.
428:5-8,10	Hearsay; Form: Vague as to the word "conflict"; Compound	Overruled.
428:21-25	Hearsay	Overruled.
428:6-13	Hearsay	Overruled.
429:17-20	Hearsay	Overruled.
430:3-6, 8	Hearsay; Form: Vague as to the word	Overruled.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
	"conflict"; Compound	
430:17-431:12	Hearsay	Overruled.
431:11-12, 14-22	Form: Ambiguous	Overruled.
431:14-432:13	Hearsay	Overruled.
432:19-23	Hearsay	Overruled.
433:2-12	Hearsay	Overruled.
434:1-6	Hearsay; Form: Vague as to the word "conflict"; Compound	Overruled.
434:18-435:7	Hearsay	Overruled.
435:13-22	Hearsay	Overruled.
435:24-436:25	Hearsay	Overruled.
437:1-3	Form: Ambiguous	Overruled.
437:24-438:2	Hearsay	Overruled.
438:19-439:16	Hearsay	Overruled.
439:20-23	Hearsay	Overruled.
440:1-22	Hearsay	Overruled.
440:25-441:3	Hearsay	Overruled.
441:15-19	Hearsay; Form: Vague as to the word "conflict"; Compound	Overruled.
441:24	Hearsay	Overruled.
442:16-443:6	Hearsay	Overruled.
443:12-22	Hearsay	Overruled.
444:18-21	Hearsay; Form: Vague as to the word "conflict"; Compound	Overruled.
445:7-12	Hearsay	Overruled.
445:17-446:5	Hearsay	Overruled.
446:8-16	Hearsay	Overruled.
446:20-24	Hearsay	Overruled.
449:20-450:1	Hearsay	Overruled.
450:7-17	Hearsay	Overruled.
450:25	Hearsay	Overruled.
451:3-4	Hearsay	Overruled.
452:9-12, 13	Hearsay; Form: Vague as to the word "conflict"; Compound	Overruled.
452:14-16	Hearsay	Overruled.
453:1-454:1	Hearsay	Overruled.
454:5-9	Hearsay	Overruled.
454:22-25	Hearsay	Overruled.
455:12-21	Hearsay	Overruled.
456:1-9	Hearsay	Overruled.

Defendants' Designation	Plaintiffs' Objection	Ruling
456:19-457:1	Hearsay	Overruled.
458:1-2, 4-7	Hearsay; Form: Compound	Overruled.
458:10-12, 14-20	Hearsay	Overruled.
458:21-460:1	Hearsay	Overruled.
460:2-22	Hearsay	Overruled.
461:19-21, 24	Hearsay; Form: Vague as to the word "conflict"; Compound	Overruled.
462:11-463:9	Hearsay	Overruled.
463:12-464:15	Hearsay	Overruled.
465:3-6	Hearsay; Form: Vague as to the word "conflict"; Compound	Overruled.
465:18-22	Hearsay	Overruled.
466:1-20	Hearsay	Overruled.
466:24-467:15	Hearsay	Overruled.
466:21-23	Hearsay	Overruled.
468:23-469:1; 470:4-5	Hearsay; Form: Vague as to the word "conflict"; Compound (This form objection provided as a <b>standing form objection</b> at 469:20-470:2)	Overruled.
471:3-472:8	Hearsay	Overruled.
471:12-15	Standing form objection provided at 469:20-470:2: Vague as to the word "conflict"; Compound	Overruled.
471:12-473:3	Hearsay	Overruled.
473:8-12	Hearsay	Overruled.
473:23-474:1	Hearsay; Standing form objection provided at 469:20-470:2: Vague as to the word "conflict"; Compound	Overruled.
474:12-475:3	Hearsay	Overruled.
475:12-476:1	Hearsay	Overruled.
477:8	Hearsay	Overruled.
477:18-21	Hearsay; Standing form objection provided at 469:20-470:2: Vague as to the word "conflict"; Compound	Overruled.
478:8-479:14	Hearsay	Overruled.
480:3-6	Hearsay; Standing form objection provided at 469:20-470:2: Vague as to the word "conflict"; Compound	Overruled.
480:18-481:1	Hearsay	Overruled.
481:5-482:2	Hearsay	Overruled.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
482:20-23	Hearsay; Standing form objection provided at 469:20-470:2: Vague as to the word "conflict"; Compound	Overruled.
483:9-17	Hearsay	Overruled.
483:17-484:15	Hearsay	Overruled.
485:12-7	Hearsay	Overruled.
487:8-13	Hearsay	Overruled.
487:20-488:20	Hearsay	Overruled.
489:10-13	Hearsay; Standing form objection provided at 469:20-470:2: Vague as to the word "conflict"; Compound	Overruled.
489:23-490:4	Hearsay	Overruled.
490:8-22	Hearsay	Overruled.
491:24-492:3; 492:5-13	Hearsay	Overruled.
493:3-6	Hearsay; Standing form objection provided at 469:20-470:2: Vague as to the word "conflict"; Compound	Overruled.
493:16-494:20	Hearsay	Overruled.
495:13-16	Hearsay; Standing form objection provided at 469:20-470:2: Vague as to the word "conflict"; Compound	Overruled.
496:2-4	Hearsay	Overruled.
496:7-497:8	Hearsay	Overruled.
498:1-4	Hearsay; Standing form objection provided at 469:20-470:2: Vague as to the word "conflict"; Compound	Overruled.
498:5-6	Hearsay: Form: Vague and ambiguous as to the phrase "corroborate the information referenced in your affidavit"	Overruled.
506:17-507:13	Hearsay	Overruled.
507:18-19	Hearsay; Lack of foundation: Assumes facts not in evidence	Overruled.
508:4-6, 8-9, 20-25	Hearsay; Lack of foundation: Misstates witness testimony	Overruled.
509:5-13	Hearsay	Overruled.
509:25-510:4	Hearsay; Lack of foundation: Assumes facts not in evidence	Overruled.
510:9-11, 14	Hearsay; Lack of foundation: Assumes facts not in evidence	Overruled.

<b>Defendants' Designation</b>	<b>Plaintiffs' Objection</b>	<b>Ruling</b>
510:15-21	Hearsay	Overruled.
511:1-512:1	Hearsay	Overruled.
513:17	Hearsay	Overruled.
514:9-13	Hearsay	Overruled.
514:16-515:7	Hearsay	Overruled.
515:15-517:14	Lack of witness testimony	Sustained.
517:23-518:24	Hearsay	Overruled.
519:19-520:6, 11-12	Hearsay	Overruled.
520:13-24	Hearsay	Overruled.
521:8-14	Hearsay	Overruled.
523:22-524:2	Lack of foundation: Misstates witness testimony	Overruled.
525:21-23; 526:6-10	Hearsay	Overruled.
526:15-17, 21-22	Lack of foundation: Misstates witness testimony	Overruled.
526:23-25	Form: Argumentative	Overruled.
528:3-4	Hearsay; Hearsay within hearsay	Overruled.
528:7-13, 17-19	Hearsay	Overruled.
528:20-25; 529:5-7	Form: Argumentative; Calls for speculation	Overruled.
529:10-17	Form: Argumentative; Badgering the witness	Sustained.
529:18-530:20	Lack of witness testimony	Sustained.
530:10-12; 530:21-23	Form: Argumentative; Lack of foundation: Misstates witness testimony	Overruled.
530:24-531:1; 531:9-14	Form: Argumentative; Badgering the witness; Lack of foundation: Assumes facts not in evidence	Overruled.
531:16-17, 21-23	Form: Argumentative; Badgering the witness; Lack of foundation: Misstates witness testimony	Overruled.
531:24-532:2	Form: Badgering and harassing the witness; Lack of foundation: Assumes facts not in evidence	Overruled.
532:3-531:21	Lack of witness testimony	Sustained.
533:23-535:1	Hearsay within hearsay	Overruled.
535:24-537:2	Hearsay within hearsay	Overruled. Questions from counsel

Defendants' Designation	Plaintiffs' Objection	Ruling
		are not evidence.
537:8-14	Hearsay; Relevance	Overruled. Reflects witness's demeanor and credibility.
542:2-6, 11-13	Lack of Foundation: Assumes facts not in evidence; Form: Calls for Speculation	Sustained.

**SO ORDERED AND ADJUDGED** this the 31<sup>st</sup> day of July, 2014.

s/ Daniel P. Jordan III

UNITED STATES DISTRICT JUDGE